

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**JOHN DOE,**

**Plaintiff,**

**V.**

**VIRGINIA POLYTECHNIC INSTITUTE  
AND STATE UNIVERSITY, et al.,**

**Defendants.**

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**Case No. 7:21cv378**

**MOTION TO RECONSIDER PURSUANT TO RULE 54(b)**

Defendants Virginia Polytechnic Institute and State University, Timothy Sands, and Tamara Cherry-Clarke, by counsel, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, respectfully move this Court for entry of an Order reconsidering and vacating its Order, ECF No. 91, which amended its partial dismissal Order, ECF No. 60, for the reasons set forth in Section II of Defendants Memorandum in Support of Motion to Dismiss Plaintiff's Third Amended Complaint. See ECF No. 94, \*9-13.

Respectfully submitted,

VIRGINIA POLYTECHNIC INSTITUTE AND  
STATE UNIVERSITY, TIMOTHY SANDS, and  
TAMARA CHERRY-CLARKE

/s/  
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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 27, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to all counsel of record.

/s/ Nathan H. Schnetzler  
Of Counsel

